

Message Text

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ORIGIN ARA-20

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DRAFTED BY ARA/BC/B:JRBINNS:BJD

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FM SECSTATE WASHDC

TO AMEMBASSY LA PAZ PRIORITY

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E.O. 11652:N/A

TAGS: EDIS, EAGR, BL

SUBJECT: APPLGATE/YOUNGQUIST CASE

REF: (A) LA PAZ 2004; (B) STATE 62797

1. DEPARTMENT APPRECIATES EMBASSY EFFORTS TO APPRISE GOB OF CURRENT SITUATION REGARDING BOLIVIAN SUGAR QUOTA (REF. A) AND TO ENCOURAGE GOB TO RESOLVE SUBJECT CASE PROMPTLY. MAJOR POINTS WHICH EMBASSY RECOMMENDS DEPARTMENT RAISE WITH CHAIRMAN POAGUE (PARA 9, REF. A) WERE PREVIOUSLY COMMUNICATED TO HIM AND TO CHAIRMAN FASCELL OF HOUSE LATIN AMERICAN AFFAIRS SUB-COMMITTEE. NOTWITHSTANDING, POAGUE AND OTHER MEMBERS OF HIS SUB-COMMITTEE EXPRESSED VIEW THAT CONGRESS SHOULD ACT TO PROTECT U.S. CITIZENS BY ENSURING THAT PRESENT AND FUTURE U.S. CLAIMANTS RECEIVE EFFECTIVE COMPENSATION, AS INDICATED REF. B AND IN POAGUE'S STATEMENT DURING HEARING ON BOLIVIA (TEXT FORWARDED TO EMBASSY IN KARKASHIAN LETTER TO AMBASSADOR OF MARCH 21, 1974.)

2. WHILE DEPARTMENT APPRECIATES THAT MINECON AYOROA IS NOT FAMILIAR WITH SUBJECT CLAIM, CLAIMANTS' ATTORNEY MORAN ASSERTS THAT "COMPLETE DOCUMENTATION" HAS BEEN PROVIDED GOB AND BOLIVIAN EMBASSY HERE ON SEVERAL OCCASIONS, MOST RECENTLY IN 1973, AND THAT CURRENT AND PREVIOUS GOVERNMENTS HAVE EXPLICITLY RECOGNIZED VALIDITY OF CLAIM (E.G., MINECON LIMITED OFFICIAL USE

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PEREDA LETTER OF DECEMBER 18, 1973). MORAN ALSO ASSERTS

THAT HE HAS RECEIPT FOR THE DOCUMENTS SIGNED BY MINISTER
COUNSELOR LORIA AND THAT THESE DOCUMENTS WERE ON FILE AT

BOLIVIAN EMBASSY AS RECENTLY AS WEEK OF MARCH 10, 1974.
CHANGES IN GOVERNMENT HAVE IN PAST COMPLICATED SETTLEMENT
NEGOTIATIONS AND WE CONCUR THAT CLAIMANTS HAVE NOT SOUGHT
TO OVERCOME THESE PROBLEMS BY UNDERTAKING DIRECT NEGOTIA-
TIONS IN LA PAZ. THESE CONSIDERATIONS HAVE BEEN COMMUNI-
CATED TO POAGUE AND OTHERS.

3. DEPARTMENT CONTINUES TO BE CONCERNED THAT REGARDLESS
OF RESPECTIVE MERITS OF ARGUMENTS PRESENTED BY BOTH SIDES,
THAT GOB DOES NOT FULLY COMPREHEND THAT IT IS ITS OWN
INTERESTS WHICH ARE IN JEOPARDY IF THIS DISPUTE IS NOT
RESOLVED, DESPITE OUR BEST EFFORTS ON GOB'S BEHALF.
CLAIMANTS APPEAR CONFIDENT THAT LEGISLATIVE REMEDY IS
LIKELY AND CONSEQUENTLY ARE NOT AS FLEXIBLE AS THEY MIGHT
BE. CHAIRMAN POAGUE IS PERHAPS LESS CONCERNED WITH THIS
PARTICULAR CASE (ALTHOUGH HE HAS EMPHASIZED FACT THAT
CLAIMANTS HAVE WAITED 12 YEARS FOR REMEDY) THAN HE IS WITH
THE GENERAL PROBLEM OF EXPROPRIATION. HE WISHES TO DEVELOP
LEGISLATION HE BELIEVES IS NECESSARY TO PROTECT U.S.
CITIZENS. ACCORDINGLY, EMBASSY MAY WISH TO REITERATE TO
GOB IMPLICATIONS OF POSSIBLE CONGRESSIONAL ACTION, AS
DISTINCT FROM EXECUTIVE BRANCH'S DESIRE TO BE AS HELPFUL
AS POSSIBLE TO GOB, RESULTING FROM CONTINUING IMPASSE
ON THIS CLAIM. WE ARE MAKING SUCH AN APPROACH TO AMBAS-
SADOR VALENCIA. RUSH

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